UNITED STATES DISTRICT COURT 3550 SOUTHERN DISTRICT OF NEW YORK

COASTAL SALES ASSOCIATES, INC.,

a New York domestic business corporation,

Plaintiff

v.

KEEPJOY INDUSTRIAL COMPANY, LIMITED,

a China business entity; and LILY LEE, a foreign individual; ABC CORPORATIONS I-V; XYZ LIMTED LIABILITY COMPANIES I-

V; BLACK PARTNERSHIPS I-V; WHITE BUSINESS ENTITIES I-V;

JOHN AND JANE DOES I-V,

Defendants.

Case No. 20082626

April 14, 2008

NOTICE OF REMOVAL

TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

Defendants, Keepjoy Industrial Company, Limited, a limited liability company duly organized and formed under the laws of China(P.R.), and Lily Lee, an individual and lawful resident and citizen of China, the defendants in the above entitled cause, hereby file this Notice of Removal of the above-described action to the United States District Court for the Southern District of New York from the Supreme Court of the State of New York County of Orange where the action is now pending under the provisions of Title 28, U.S.C.A. § 1441, et seq. and state:

- 1. The above-entitled action was commenced in the Supreme Court of the State of New York County of Orange and is now pending in that court. Process was served on Defendants on March 18, 2008. A copy of the plaintiff's summons and complaint setting forth the claim for relief upon which the action is based was received on that same date.
- 2. There are no defendants to this action except Defendant Keepjoy Industrial Company, Limited, duly organized and formed under the laws of China(P.R.), having its principal place of business at 28E Wenjin Bldg., Chunfeng Road, Luohu District, Shenzhen City, China, and Lily Lee, an individual and lawful resident and citizen of China, having a residence at Room 201, Bldg. No. 2, Yahaoxuan, Jian'an Road, Baoan District, Shenzhen City, China. ABC Corporations I-V, XYZ Limited Liability

COASTAL SALES ASSOCIATES, INC., a New York domestic business corporation,

Index No.

2008 262A

Plaintiff,

VS.

KEEPJOY INDUSTRIAL COMPANY, LIMITED, a China business entity; and LILY LEE, a foreign individual; ABC CORPORATIONS I-V; XYZ LIMITED LIABILITY COMPANIES I-V; BLACK PARTNERSHIPS I-V; WHITE **BUSINESS ENTITIES I-V; JOHN** AND JANE DOES I-V,

SUMMONS

Date Index No. Purchased:

Defendants.

To the above-named Defendant(s):

Keepjoy Industrial Company, Limited, PMB 368, 14150 NE 20th St. -F1, Bellevue, WA 98007, USA; and

Lily Lee, PMB 368, 14150 NE 20th St. -F1, Bellevue, WA 98007, USA

You are hereby summoned and required to serve upon Plaintiff's attorney an answer to the complaint in this action within twenty days after service of this immons, exclusive of the day of service, or within thirty days after service is mplete if this summons is not personally delivered to you within the State of w York. Take notice that the nature of this action and the relief sought is to

enjoin Defendants preliminarily and permanently from using confusingly similar trade dress and recover Plaintiff's actual damages, punitive damages, exemplary damages, treble damages, Defendant's profits, pre-judgment interest, post-judgment interest, costs and attorney's fees for deceptive trade practices, trade dress infringement and unfair competition. In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of venue designated is the residence of the Plaintiff, Coastal Sales Associates, Inc., 62 Leone Lane, Chester, New York 10918.

Dated: March 13, 2008 New York

SCHMEISER, OLSEN & WATTS

By:

ALBERT L. SCHMEISER AUTONDRIA S. MINOR

Attorneys for Plaintiff,

Coastal Sales Associates, Inc. 22 Century Hill Drive, Suite 302

Latham, New York 12110 Telephone: (518) 220-1850

Facsimile: (518) 220-1857

Albert L. Schmeiser - #040758 Autondria S. Minor - #4323028 SCHMEISER, OLSEN & WATTS, LLP 22 Century Hill Drive, Suite 302 Latham, New York 12110 Telephone: (518) 220-1850 Facsimile: (518) 220-1857

Attorneys for Plaintiff

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF ORANGE

COASTAL SALES ASSOCIATES, INC., a New York domestic business corporation,

Plaintiff,

VS.

KEEPJOY INDUSTRIAL COMPANY, LIMITED, a China business entity; and LILY LEE, a foreign individual; ABC CORPORATIONS I-V; XYZ LIMITED LIABILITY COMPANIES I-V; BLACK PARTNERSHIPS I-V; WHITE BUSINESS ENTITIES I-V; JOHN AND JANE DOES I-V,

Defendants.

2048 3630 Index No.

COMPLAINT

Plaintiff Coastal Sales Associates, Inc. (hereinafter "CSA"), through undersigned counsel, alleges as follows:

PARTIES

- 1. Plaintiff CSA is a New York domestic business corporation with a principal office at 62 Leone Lane, Chester, New York 10918, USA, Plaintiff CSA is located in Orange County, New York and Plaintiff CSA conducts business in Orange County, New York.
- 2. Upon information and belief, Defendant Keepjoy Industrial Company, Limited (hereinafter "Keepjoy") is a business entity organized under the laws of China with an office at PMB 368, 14150 NE 20th St. F1, Bellevue, WA 98007, USA and conducting business in Orange County, New York, among other locations.
- 3. Upon information and belief, Defendant Lily Lee is a Chinese national who, individually and as a representative of Defendant Keepjoy, is conducting business in Orange County, New York, among other locations Arizona.
- 4. ABC Corporations, XYZ Limited Liability Companies, Black Partnerships, White Business Entities and John and Jane Does are fictitious business entities or individuals who are or may be associated, affiliated, owned or controlled by Defendants, collectively or individually, and who may bear all or part of any liability of Defendants, individually or collectively, for the claims herein. The true names of these business entities and/or individuals are currently unknown and Plaintiff will amend or supplement this pleading when their true names are ascertained.

NATURE OF CLAIMS

- 5. This is an action for deceptive trade practices, common law trade dress infringement, unfair competition, unfair business practices and unjust enrichment.
- 6. Plaintiff seeks monetary and injunctive relief for Defendants' knowing and willful acts of trade dress infringement, unfair competition, unfair business practices and unjust enrichment as outlined below.
- 7. Specifically, Plaintiff seeks monetary and injunctive relief for trade dress infringement, unjust enrichment, unfair competition and unfair business practices against Defendants based on the following: (a) Plaintiff retained Defendants, and each of them, to manufacture certain items (see Exhibit 1 hereto) and Defendants did manufacture those certain items exclusively for Plaintiff; (b) Plaintiff has developed significant goodwill and established significant secondary meaning in its distinctive, non-functional trade dress; (c) Defendants, individually or in concert, are displaying and offering products for sale in Orange County, New York (via direct sales and via the Internet) that have or bear a trade dress that is confusingly similar to the trade dress adopted and used exclusively by Plaintiff; (d) Plaintiff has not authorized, licensed, assigned or transferred, either expressly or impliedly, any right in its distinctive trade dress to any third party; (e) Defendants, and each of them, are aware of Plaintiff's prior and exclusive ownership of the distinctive trade dress; and (f) Defendants' use, individually or in concert, of Plaintiff's trade dress, or confusingly similar trade dress, creates unfair competition by "passing off" their products as if Defendants' products were connected with, authorized or otherwise endorsed by Plaintiff, when that is not the

case, causing damage to the Plaintiff's business and consumer confusion.

JURISDICTION AND VENUE

- 8. This court has personal jurisdiction over the Defendants under CPLR §§ 301, 302 because Defendants individually and collectively, are present and doing business in the State of New York, Defendants are transacting business in the State of New York, Defendants are contracting to supply goods or services to the State of New York, Defendants have committed tortious acts within the State of New York, Defendants have committed tortious acts without the State of New York causing injury to Plaintiff's property within the State of New York, Defendants regularly do or solicit business in the State of New York, Defendants derive substantial revenue from goods used or consumed or services rendered in the State of New York, or Defendants expect or should reasonably expect Defendants' acts to have consequences in the State of New York and Defendants derive substantial revenue from interstate or international commerce. Defendants, individually and collectively, caused an event to occur in Orange County, New York, out of which this cause of action arises.
- 9. Jurisdiction is proper because the amount in controversy exceeds the minimum jurisdiction requirements of this court and exceeds the maximum jurisdictional amount of all lower courts that might otherwise have jurisdiction. Venue is proper in the Orange County Supreme Court pursuant to CPLR § 503(c) because Plaintiff CSA is a domestic corporation authorized to transact business in the State of New York, the principal office of Plaintiff CSA is located in Orange County, New York and Plaintiff CSA is deemed a resident of Orange County, New York.

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BACKGROUND FACTS

- 10. Plaintiff retained Defendants to manufacture products bearing Plaintiff's distinctive trade dress, with the understanding that Defendants were retained solely for the purpose of manufacturing said products to Plaintiff's specifications and the further understanding that Defendants acquired no right, title or interest to any intellectual property owned by Plaintiff thereby.
- Upon information and belief, Defendants, individually or in concert, 11. have been and continue to offer products for sale that are identical or substantially similar to Plaintiff's products, bearing Plaintiff's unique, non-functional and distinctive trade dress, and offer those confusingly similar copies to customers within the jurisdiction of this court.
- 12. Defendants, through their prior association with Plaintiff, knew of Plaintiff's superior claim to the distinctive trade dress and knew of Plaintiff's superior rights therein.
- 13. There is a significant likelihood of consumer confusion resulting from Defendants' selection of confusingly similar trade dress regarding the source of the products offered by Defendants.
- 14. As a result of such confusion, Plaintiff has been and will continue to suffer economic loss and significant damage to its reputation, which damages and losses continue to accrue.
- Defendants' selection and use of the confusingly similar trade dress 15. was done with knowledge of Plaintiff's prior use and of Plaintiff's proprietary rights in the trade dress. Thus, Defendants' unauthorized use of the Mark was

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willful and done with the intention of benefiting from the goodwill established in the trade dress by Plaintiff.

FIRST CLAIM FOR RELIEF (Deceptive Trade Practices)

- 16. Plaintiff realleges and incorporates each of the foregoing paragraphs as if fully set forth herein.
- 17. Defendants' selection and use of confusingly similar trade dress deceives consumers into believing that Defendant's products originate from, are endorsed by, or otherwise affiliated with Plaintiff when that is not the case.
- 18. Defendants' selection and use of confusingly similar trade dress constitutes deceptive trade practices in violation of N.Y. Gen. Bus. Laws § 349 (McKinney 2004).
 - 19. Defendant's violation of Section 349 was willful and knowing.
- Plaintiff has been damaged by reason of Defendants' violation of 20. Section 349.
- 21. Plaintiff is entitled, pursuant to Section 349, to recover three times its actual damages, in amounts to be proven at trial.

SECOND CLAIM FOR RELIEF (Trade Dress Infringement)

- Plaintiff realleges and incorporates each of the foregoing paragraphs 22. as if fully set forth herein.
- 23. Plaintiff, through substantial sales and marketing efforts, has developed strong proprietary rights in the distinctive trade dress associated with its

Page 10 of 13

products.

24. Defendants deliberately selected and used trade dress for its/their products that is the same and/or confusingly similar to the Plaintiff's trade dress.

Document 1

- 25. Plaintiff's trade dress has attained significant secondary meaning in the minds of consumers and Plaintiff has developed a great deal of goodwill in the trade dress.
- 26. Defendants' use of the trade dress, or confusingly similar trade dress, creates a likelihood of confusion with Plaintiff's trade dress.
- Defendants knowingly and willfully selected and used a confusingly 27. similar trade dress in order to benefit from the established good will associated with the Plaintiff's trade dress.
- 28. Plaintiff did not authorize the use of the trade dress by Defendants or any other third party.
- Defendants, individually and collectively, have knowingly and 29. willfully infringed Plaintiff's trade dress.
- As a direct and proximate result of Defendants' infringement, 30. Plaintiff has incurred damages.

THIRD CLAIM FOR RELIEF (Unfair Competition and Unjust Enrichment)

- Plaintiff realleges and incorporates each of the foregoing paragraphs 31. as if fully set forth herein.
- Plaintiffs have established secondary meaning in the trade dress 32. associated with the products it markets and sells, such that consumers identify

such trade dress as identifying products originating from Plaintiff.

- 33. Defendants selected and used the same or confusingly similar trade dress in association with their products.
 - 34. Defendants' products are inferior to Plaintiff's.
- 35. Defendants' selection and use of the same or confusingly similar trade dress on products they know to be inferior to Plaintiff's was done to deliberately "pass off" or falsely represent that Defendant's inferior products originated from, were endorsed by or otherwise affiliated with Plaintiff.
- 36. As a result of said consumer confusion, Defendants have been unjustly enriched.
- 37. The passing off of Defendants' inferior goods has further caused Plaintiff to incur damages, and continues to damage Plaintiff's reputation.

FOURTH CLAIM FOR RELIEF

(Punitive Damages)

- 38. Plaintiff realleges and incorporates each of the foregoing paragraphs as if fully set forth herein.
- 39. Defendants, individually or in concert, selected and adopted the identical or confusingly similar trade dress knowing of Plaintiff's prior substantial proprietary rights in its distinctive trade dress and of the substantial goodwill Plaintiff has developed in the trade dress.
- 40. Defendants' prior knowledge of Plaintiff's substantial prior use and superior rights in the trade dress indicates a knowing and willful intention to

Page 12 of 13

wrongfully appropriate the reputation and goodwill established in the trade dress by Plaintiff.

- 41. Defendants' willful, wanton, knowing and deliberate selection and adoption of a confusingly similar trade dress indicates a reckless disregard for the public interest and manifests an evil hand guided by an evil mind.
- 42. Punitive or exemplary damages are appropriate to redress Defendants' willful and wanton conduct.

WHEREFORE, Plaintiff prays for judgment in its favor and against Defendants, and each of them, as follows:

- 1. For a preliminary injunction enjoining Defendants, and each of them, from use of the trade dress or any confusingly similar trade dress mark in commerce;
- 2. For an award to Plaintiff of its actual damages and any profits attributable to Defendants' infringement of Plaintiff's trade dress;
- 3. For an award to Plaintiff of three times its actual damages for Defendants' violation of N.Y. Gen. Bus. Laws § 349 (McKinney 2004).
- 4. For a finding that Defendants, and each of them, have infringed Plaintiff's trade dress;
- 5. For a permanent injunction enjoining Defendants, and each of them, from using the trade dress, or any confusingly similar trade dress;
- 6. For an award to Plaintiff for its damages and any profits attributable to Defendants' unfair competition and unjust enrichment;

- 7. For an award of taxable costs as permitted by law;
- 8. For reimbursement of Plaintiff's reasonable attorneys' fees incurred herein;
- 9. Prejudgment and post-judgment interest on any damage award as permitted by law;
 - 10. Punitive or exemplary damages; and
- 11. For such other and further relief that the Court may deem just, proper or necessary under the circumstances.

Dated: March 13, 2008 New York

SCHMEISER, OLSEN & WATTS

By:

ALBERT L. SCHMEISER AUTONDRIA S. MINOR

Attorneys for Plaintiff

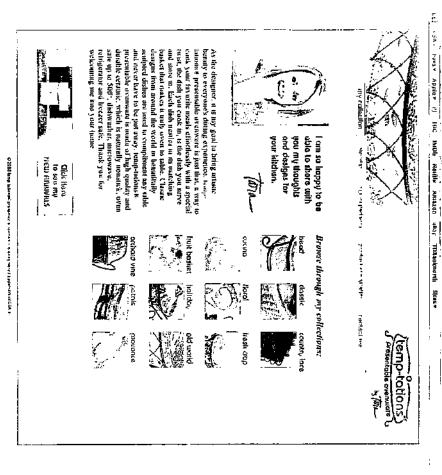
Coastal Sales Associates, Inc. 22 Century Hill Drive, Suite 302

Latham, New York 12110 Telephone: (518) 220-1850

Facsimile: (518) 220-1857

www.keepjoy.com.cn







In a world pursuing healthy and green life, quality is not only about guaranteed. We are committed to catering for the vibrant markets. design, product safety and extremely low lead/cadmium are fully malerial. Our bakoweres start from well-controlled production. Elegani favorite meals, before you is not only a ceramic bakeware, but a visitage development skills based on greenar handpainting craft, Kaepjoy ian assure you the chance to sever the delive. When you enjoy your quipped with advanced manufacturing technology, coupled with randerful life handpainted. Home Wonder un life. Handpoured About U. 7 E 2 S Calling Order 10.46 Contact Us 1000

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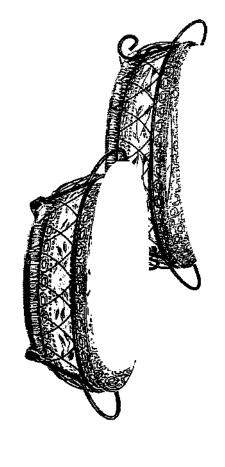
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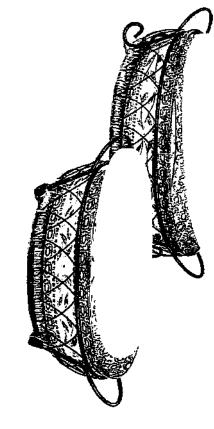
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Ovenware Set: 6" square dish; 7" oval dish; 14" divided dish; 13" rectangular bakar;

With wire holder, rattan trivet.

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With wire holder, ratten trivet.

Overware Set: 6" square dish; 7" oval dish; 14" divided dish; 13" rectangular baker;

Dishwasher, microwave, oven, freezer, and refrigerator safe.

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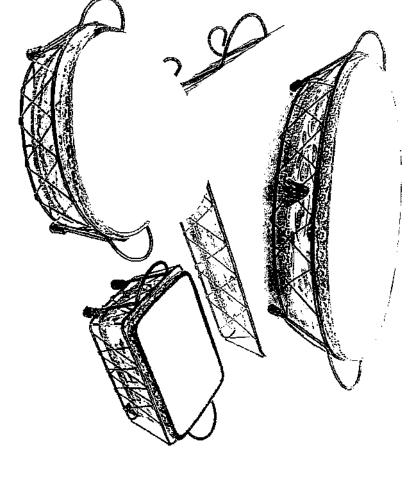


Ovenware Set: 6" square dish; 7" oval dish; 14" divided dish; 13" rectangular baker; With wire holder, rattan trivet.

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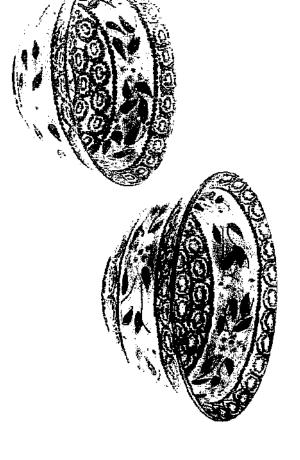
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Overware Set: 6" square dish; 7" oval dish; 14" divided dish; 13" rectangular baker;

Dishwasher, microwave, oven, freezer, and refrigerator safe. With wire holder, rattan trivot.

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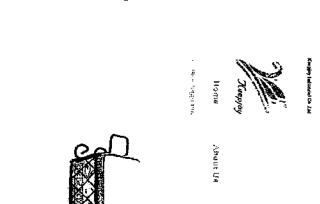
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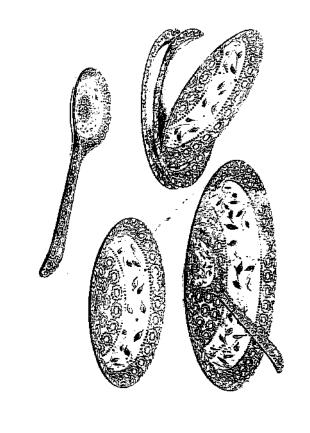
6"+8" Mixing bowls



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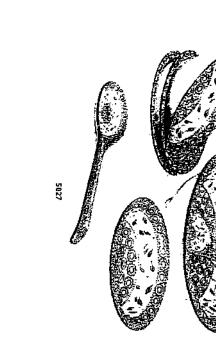


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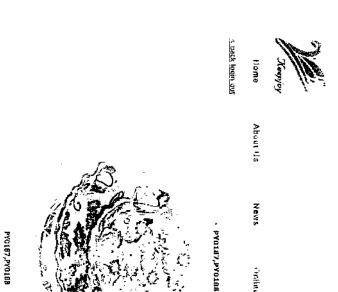
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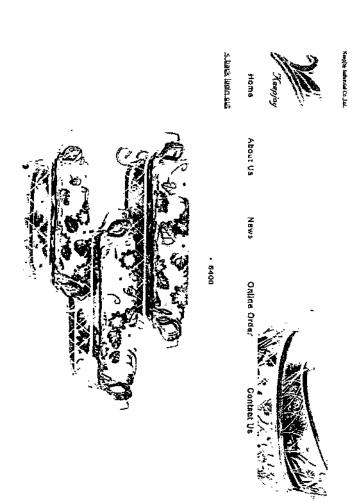
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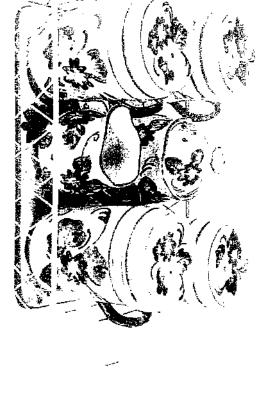
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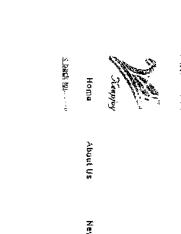




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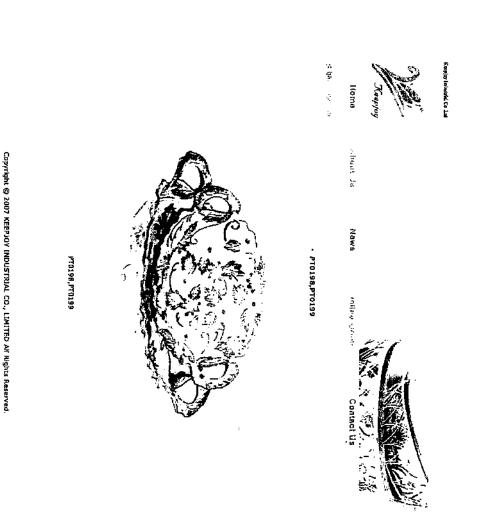
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With wire holder, rattan trivet 9 3/4" +12 1/2" oval baker

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Dishwasher, microwave, oven, freezer, and refrigerator safe. 9 3/4" +12 1/2" + 15 1/4" oval baker With wire holder, ratton trivet

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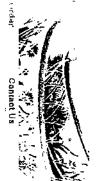


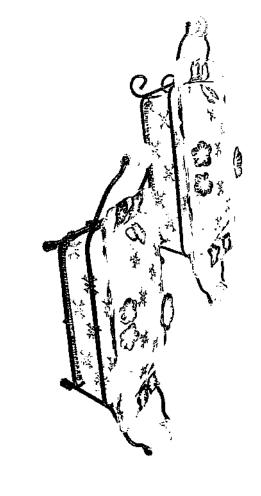
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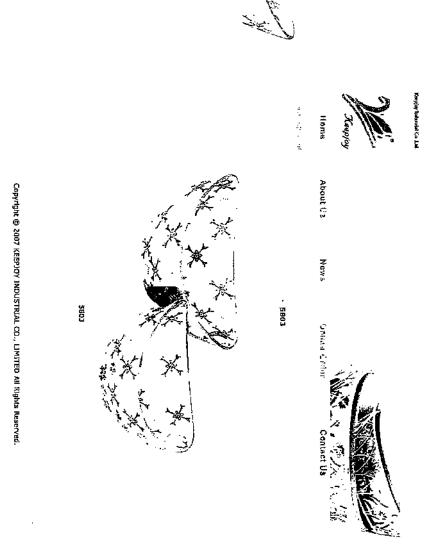
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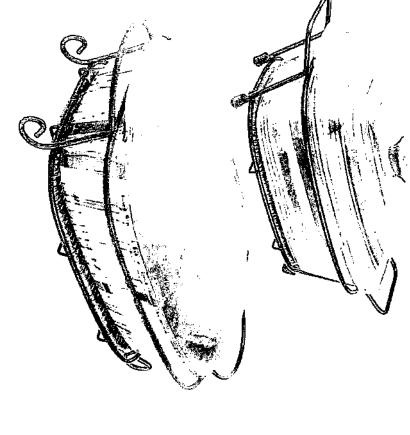
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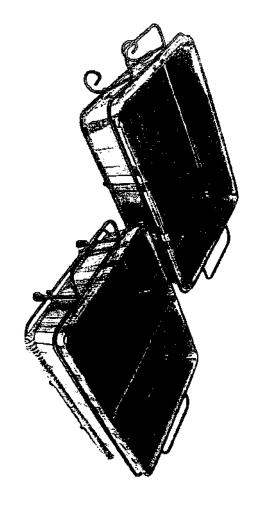
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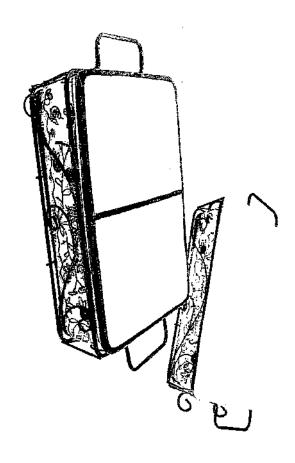
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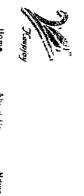


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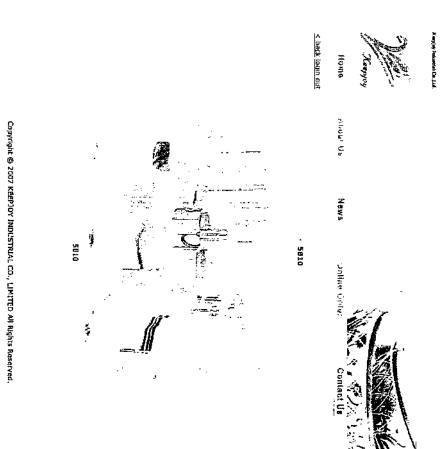
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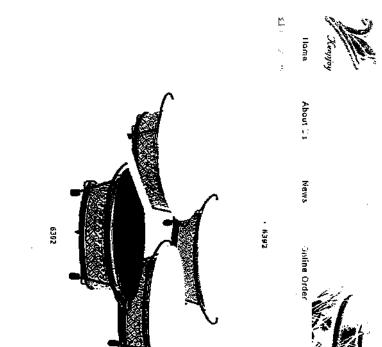
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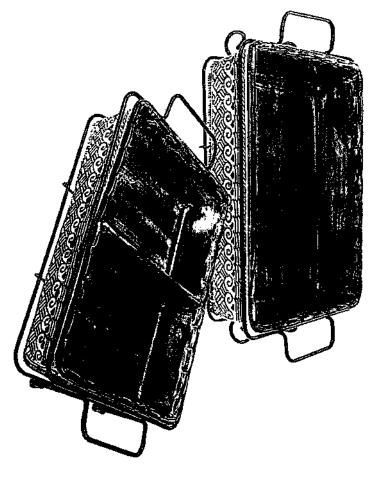


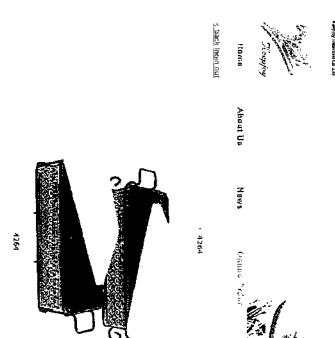


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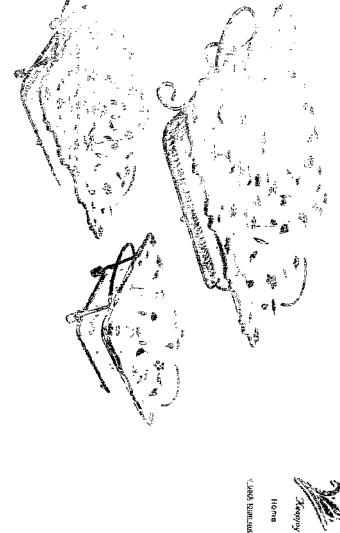






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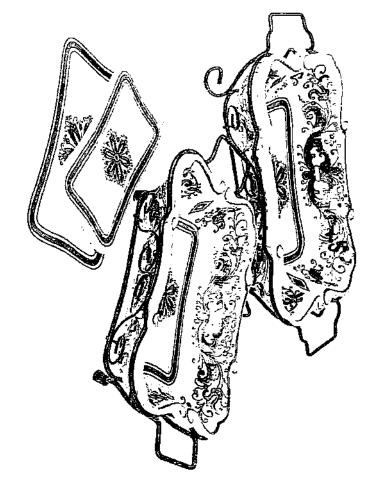
With wire holder, rattan trivet. 11" + 14" squarebaker

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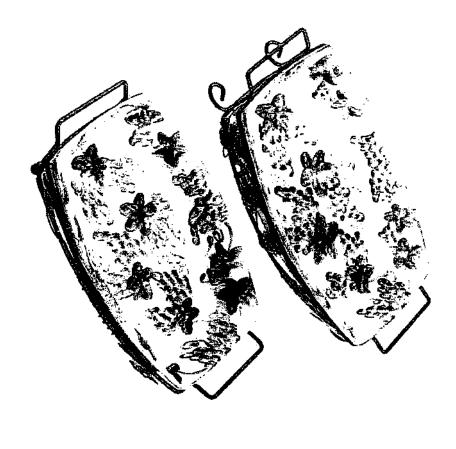
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